

Message Text

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ACTION SCI-06

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TAGS: TECH, ESTC, PARM, IAEA

SUBJECT: ARRANGEMENTS FOR TRANSFER OF GULF RESEARCH REACTOR
TO ROMANIA

REF: STATE 27515

SUMMARY: AGENCY PROPOSES LANGUAGE FOR APPROPRIATE SAFEGUARDS
PROVISIONS TO BE INCORPORATED IN PROJECT AGREEMENT RELATING
TO TRANSFER OF GULF RESEARCH REACTOR AND FUEL TO ROMANIA THRU
IAEA. ACTION REQUESTED: US COMMENTS SOONEST. END SUMMARY.

1. MISSION HAS DISCUSSED WITH AGENCY (STEIN) QUESTION OF
APPROPRIATE SAFEGUARDS PROVISIONS TO BE INCLUDED IN PROPOSED
PROJECT AGREEMENT NEEDED TO MEET US EXPORT REQUIREMENTS.

2. STEIN FEELS STRONGLY ABOUT MAINTAINING SIMPLIFIED PRO-
VISIONS IN VIEW NPT SAFEGUARDS AGREEMENT, BUT IS FULLY
AWARE US REQUIREMENTS, WHICH HE BELIEVES CAN BE MET WITH
LANGUAGE SET FORTH BELOW. STEIN IS CONCERNED THAT INCLUSION
OF FULL SAFEGUARDS PROVISIONS, EVEN WITH LANGUAGE SUSPENDING
THEM IN FAVOR OF ROMANIA'S NPT SAFEGUARDS AGREEMENT, TENDS TO
CREATE DOUBTS ABOUT LONG- TERM EFFECTIVENESS OF LATTER. AGREE-
MENTS IN GENERAL, THUS, IN EFFECT, UNDERMINING CONFIDENCE IN NPT
ITSELF, WHICH IS OF INDEFINITE DURATION AND CAN ONLY BE DE-
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NOUNCED UNDER RATHER FAR- REACHING AND EXTREMELY SERIOUS CIRCUMSTANCES. IN ORDER TO MEET OUR REQUIREMENTS, HOWEVER, HE HAS SUGGESTED FOLLOWING LANGUAGE FOR OUR CONSIDERATION:

" SECTION (X). ROMANIA UNDERTAKES THAT THE REACTOR AND ANY NUCLEAR MATERIAL CONTAINED, USED, PRODUCED OR PROCESSED IN OR BY THE USE OF THE REACTOR SHALL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE."

" SECTION (Y). IT IS SPECIFIED THAT THE SAFEGUARDS RIGHTS AND RESPONSIBILITIES OF THE AGENCY PROVIDED FOR IN PARAGRAPH A OF ARTICLE XII OF ITS STATUTE ARE RELEVANT TO THE PROJECT, AND THAT THEIR IMPLEMENTATION IS SATISFIED BY THE APPLICATION OF SAFEGUARDS PROCEDURES PURSUANT TO THE AGREEMENT BETWEEN THE SOCIALIST REPUBLIC OF ROMANIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON- PROLIFERATION OF NUCLEAR WEAPONS, SIGNED ON 8 MARCH 1972 AND WHICH ENTERED INTO FORCE ON 27 OCTOBER 1972. HOWEVER, IF THE SAID AGREEMENT IS TERMINATED, THE SAFEGUARDS RIGHTS AND RESPONSIBILITIES OF THE AGENCY PROVIDED FOR IN PARAGRAPH A OF ARTICLE XII OF ITS STATUTE SHALL BE IMPLEMENTED IN ACCORDANCE WITH ARRANGEMENTS WHICH WILL SUPPLEMENT THIS AGREEMENT, WHICH SHALL BE AGREED FORTHWITH BY THE AGENCY AND ROMANIA AND SHALL BE BASED ON THE THEN EFFECTIVE AGENCY' S SAFEGUARDS SYSTEM APPLICABLE TO AGENCY PROJECTS; PENDING AGREEMENT ON SUCH ARRANGEMENTS, THE AGENCY WILL APPLY SAFEGUARDS IN ACCORDANCE WITH THE PROCEDURES PROVIDED FOR IN THAT SYSTEM."

3. MISSION BELIEVES FOREGOING TEXT GOES LONG WAY TO MEETING US CONCERNS, PARTICULARLY THE UNDERTAKING PROVISION, WHICH GOES BEYOND NORMAL LANGUAGE COVERING " SUPPLIED MATERIAL," AND MAKES CLEAR THAT PEACEFUL USES UNDERTAKING APPLIES TO " ANY MATERIAL" ETC. FURTHER, SAFEGUARDS PROVISION LANGUAGE REQUIRES AGENCY TO APPLY SAFEGUARDS REGARDLESS OF WHETHER OR NOT NEW " ARRANGEMENTS" FOR CONTINUING AGENCY SAFEGUARDS HAVE BEEN AGREED TO. REFERENCE TO " THEN EFFECTIVE AGENCY' S SAFEGUARDS SYSTEM" RATHER THAN INFCIRC/66/ REV 2 IS DESIGNED TO TAKE INTO ACCOUNT POSSIBLE FUTURE MODIFICATIONS IN PRACTICE SUCH AS THOSE RESULTING FROM WORKING GROUP ON SAFEGUARDS AGREEMENTS EXERCISE ON DESIRABLE TERMINATION AND DURATION PROVISIONS, ETC, TO BE INCLUDED IN AGENCY SAFEGUARDS AGREEMENTS WITH NON- NUCLEAR LIMITED OFFICIAL USE

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WEAPONS STATES NOT PARTY TO NPT. THOSE PROVISIONS MAY NOT BE

FORMALLY INCORPORATED INTO INFCIRC/66/ REV 2. MISSION THEREFORE BELIEVES REFERENCE TO " RATHER THAN SPECIFIC DOCUMENT IS DESIRABLE.

4. ROMANIAN REPS MAY ARRIVE LATER THIS WEEK TO DISCUSS TEXTS OF SUPPLY AND PROJECT AGREEMENTS WITH AGENCY. WOULD BE HELPFUL, THEREFORE, TO HAVE US VIEWS SOONEST TO AFOREMENTIONED PROPOSED TEXT.

5. ADVISE SOONEST. LABOWITZ

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